

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION**

Hotard

Civil Action 07-1476

versus

Judge Tucker L. Melançon

Devon Energy Corp.

Magistrate Judge C. Michael Hill

ORDER

Before the Court is a Motion For Reconsideration Of Motion For Summary Judgment On Behalf of Plaintiff Alvin J. Hotard [Rec. Doc. 23] and defendant's opposition thereto [Rec. Doc. 25]. Plaintiff moves the Court to reconsider its Memorandum Ruling and Judgment granting defendant's motion for summary judgment, entered on May 29, 2008. *R. 21;22.*

A motion to reconsider a dispositive pre-trial motion is analogous to a motion to alter or amend the judgment under Federal Rule of Civil Procedure 59(e), when it is served within ten (10) days of the Court's ruling. *See Lavespere v. Niagara Mach. & Tool Works, Inc.*, 910 F.2d 167, 173 (5th Cir.1990). Because defendant seeks relief from a motion for summary judgment, the Court treats its motion as a motion to alter or amend the summary judgment pursuant to Rule 59(e) rather than a motion for new trial as such. *See Patin v. Allied Signal, Inc.*, 77 F.3d 782, 784, n. 1 (5th Cir.1996) (considering motion for new trial as a Rule 59(e) motion to reconsider entry of summary judgment). Rule 59(e) affords the Court significant discretion when deciding whether to alter or amend its judgment. *Id.* at 174. "Reconsideration of a

judgment after its entry is an extraordinary remedy that should be used sparingly. Such a motion may not be used simply for rehashing evidence, legal theories, or arguments that could have been offered before judgment was entered.” *Molina v. Equistar Chemicals LP*, 261 Fed.Appx. 729, 733 (5th Cir. 2008) (citing *Templet v. HydroChem Inc.*, 367 F.3d 473, 477 (5th Cir.2004)). A Rule 59(e) motion “must clearly establish either a manifest error of law or fact or must present newly discovered evidence” that was not available before the judgment issued. *Schiller v. Physicians Res. Group Inc.*, 342 F.3d 563, 567 (5th Cir.2003).

The Court finds that plaintiff has failed to raise any ground upon which its motion should be granted. Moreover, the Court’s ruling was based on its consideration of the record of this matter as well as the applicable law. Accordingly,

IT IS ORDERED that Motion For Reconsideration Of Motion For Summary Judgment On Behalf of Plaintiff Alvin J. Hotard [Rec. Doc. 23] is DENIED.

Thus done and signed this 17th day of July, 2008 at Lafayette, Louisiana.



Tucker L. Melançon
UNITED STATES DISTRICT JUDGE